

ORDINANCE NO. 2002 - 083

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO REVISE TO INCLUDE A SEGMENT OF ACME DAIRY ROAD IN THE 60/40 PLANNED DEVELOPMENT OPTION IN THE AGRICULTURAL RESERVE TIER); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained

1 in this ordinance;

2 WHEREAS, on December 18, 2002 the Palm Beach County Board of
3 County Commissioners held a public hearing to review the written
4 comments submitted by the Department of Community Affairs and to
5 consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendments comply with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulations Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the 1989 Comprehensive Plan

13 Amendments to the text of the following Element of the 1989
14 Comprehensive Plan are hereby adopted and attached to this Ordinance
15 in Exhibit 1:

- 16 A. Future Land Use Element, to revise to include a segment of
17 Acme Dairy Road in the 60/40 Planned Development Option in
18 the Agricultural Reserve Tier; and
19 B. Amending all elements as necessary for internal
20 consistency.

21 Part II. Repeal of Laws in Conflict

22 All local laws and ordinances applying to the unincorporated area
23 of Palm Beach County in conflict with any provision of this ordinance
24 are hereby repealed to the extent of such conflict.

25 Part III. Severability

26 If any section, paragraph, sentence, clause, phrase, or word of
27 this Ordinance is for any reason held by the Court to be
28 unconstitutional, inoperative or void, such holding shall not affect
29 the remainder of this Ordinance.

30 Part IV. Inclusion in the 1989 Comprehensive Plan

31 The provision of this Ordinance shall become and be made a part
32 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
33 Ordinance may be renumbered or relettered to accomplish such, and the
34 word "ordinance" may be changed to "section," "article," or any other
35 appropriate word.
36

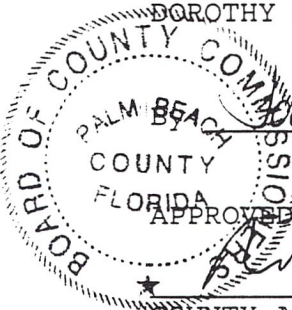
1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
6 applicable. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolution shall be sent to the Florida Department of
12 Community Affairs, Division of Community Planning, Plan Processing
13 Team. An adopted amendment whose effective date is delayed by law
14 shall be considered part of the adopted plan until determined to be
15 not in compliance by final order of the Administration Commission.
16 Then, it shall no longer be part of the adopted plan unless the local
17 government adopts a resolution affirming its effectiveness in the
18 manner provided by law.

19 **APPROVED AND ADOPTED** by the Board of County Commissioners of
20 Palm Beach County, on the 18 day of December, 2002.

21 ATTEST:
22 DOROTHY H. WILKEN, Clerk

21 PALM BEACH COUNTY, FLORIDA,
22 BY ITS BOARD OF COUNTY COMMISSIONERS



23 [Signature]
24 Deputy Clerk

25 By [Signature]
26 FOL Karen T. Marcus, Chair

27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

28 [Signature]
29 COUNTY ATTORNEY

30 Filed with the Department of State on the 24 day of
31 December, 2002

32 T:\Planning\AMEND\02-2\admin\bccadopt\Ordinances\AgRPDDFrontage.rtf

EXHIBIT 1

A. Future Land Use Element, AgR PDD 60/40 Roadway Frontage

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

REVISED Policy 1.5.1-i: A 60/40 AgR-PDD shall require the following:

1. a minimum of 250 acres exclusive of right-of-way as shown on the Thoroughfare Identification Map;
2. that the development area be contained in one compact area and not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map. The development area shall contain uses normally associated with a PDD such as the street system, water retention areas, water amenity areas, active recreational areas (including golf courses), open space which is integral to the PDD, and civic center sites;
3. the development area and the protected area need not be contiguous;
4. that the development area shall be situated east of State Road 7 with frontage on either State Road 7, State Road 806 (Atlantic Avenue), State Road 804 (Boynton Beach Boulevard), Clint Moore Road, Lyons Road extending north of Boynton Beach Boulevard, or Lyons Road extending south of Atlantic Avenue and Acme Dairy Road extending south of Boynton Beach Boulevard to the L-28 canal. Other ~~thoroughfares~~ roadways may be added to this list, by Plan amendment, consistent with the goal of preservation and perpetuation of agriculture in the Agricultural Reserve Tier;
5. the development area shall not be situated west of State Road 7; and
6. that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map and be maintained in agriculture, passive recreation or other open space use. The preserve area shall :
 - a. contain a minimum contiguous area of 150 acres; or,
 - b. shall have a common boundary with other lands that aggregate to a total of 150 acres and 1) have a future land use designation of Conservation; or 2) that are designated as an Agricultural Reserve Preserve; or 3) that have had the development rights removed and remain in some type of open space.
 - c. be utilized for crop production, pasture, equestrian purposes, retained as fallow land or, if designated by the South Florida Water Management District as a Water Preserve Area, or to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water Management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management, managed for environmental resource values. Accessory agricultural structures such as barns and pump structures shall be permitted. Agricultural support uses such as processing facilities, and the like shall not be accommodated in the protected area of an AgR-PDD; nor shall new residential uses be accommodated thereon except for farm worker quarters or grooms quarters as described in Future Land Use Policy 1.5.1-k.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 18, 2002.
DATED at West Palm Beach, FL on 1/23/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.